

REMARKS

STATUS OF THE CLAIMS

Claims 1-14 are pending in the application. Claims 1, 7, 13 and 14 have been amended. Claims 2-4 and 8-10 have been cancelled. Claims 5, 6, 11 and 12 are withdrawn from consideration. Claims 1, 7, 13 and 14 stand rejected.

REJECTION UNDER 35 U.S.C. § 112

Claims 1, 7, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. Applicants respectfully request reconsideration and withdrawal of the rejection with respect to claims 1, 7, 13 and 14 in view of the amendments to the claims and the following remarks.

Page 2 of the Office Action states “concerning the last two lines of claims 1 and 7, it is unclear as to what structural arrangement ‘wherein the return side filter and the supply side filter share a common housing component.’” Claims 1 and 7 have been amended to remove the phrase “wherein the return side filter and the supply side filter share a common housing component.” Applicants respectfully request withdrawal of this rejection to claims 1 and 7 as it is believed that the forgoing amendments obviate the Examiner’s basis for the rejection to the claims under 35 U.S.C. § 112, second paragraph.

Page 2 of the Office Action states “[c]oncerning lines 2 and 3 of claims 13 and 14, it is unclear as to what proportion ‘predominantly’ implies.” Claims 13 and 14 have been amended to remove the word “predominantly.” Amended claims 13 and 14 recite “the return-side media is operable to remove particulates of at least a first size and the supply-side media is operable to

remove particulates of at least a second size, the particulates of the first size being smaller than the particulates of the second size.” In view of the foregoing, Applicants respectfully request withdrawal of the rejection to claims 13 and 14 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 7, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Beer (FR 2,764,636). Applicants respectfully traverse this rejection. Reconsideration and withdrawal of the rejection with respect to claims 1, 7, 13 and 14 is respectfully requested in view of the amendments to the claims and the following remarks.

Page 3 of the Office Action states that the Beer reference discloses a “return side filter and the supply side filter sharing a common housing component (e.g. the cover 113, or the lower pan element shown in FIG. 1).” As previously mentioned, claims 1 and 7 have been amended to remove the phrase “wherein the return side filter and the supply side filter share a common housing component.” Amended claims 1 and 7 include “a housing having a first pan and a second pan,” a return-side filter which includes “said first pan wherein said first pan includes a return-side outlet operable to release the return fluid” and a supply-side filter which includes “said second pan wherein said second pan includes a supply-side inlet operable to receive the supply fluid.” The housing component which includes a first pan and a second pan is common to the return-side filter and the supply-side filter.

At best Beer discloses a two stage filtration system, however, the Beer reference does not otherwise disclose the feature of “a housing with a first pan and a second pan” as recited in claims 1 and 7. The Beer reference fails to disclose the feature of “a housing having a first pan and a second pan” as recited in claims 1 and 7. The pan of FIG. 1 of the Beer reference shows a

single pan as opposed to a housing with a first pan and a second pan. The Beer reference also does not disclose the feature of a return-side filter with the first pan of the housing where the first pan “includes a return-side outlet operable to release the return fluid.” The single pan of FIG. 1 of the Beer reference does not show a housing having a first pan with a return-side outlet. The Beer reference also fails to disclose, teach or suggest the feature of a supply-side filter with the second pan of the housing where the second pan includes “a supply-side inlet operable to receive the supply fluid” as recited in claims 1 and 7. The single pan of FIG. 1 of the Beer reference does not show a housing having a second pan with a supply-side inlet. Thus, the Beer reference fails to show, teach or suggest the aforementioned recited elements of claims 1 and 7.

In view of the foregoing, withdrawal of the § 102(b) rejection to claim 1 as being anticipated by Beer is respectfully requested at least because Beer fails to disclose “a housing having a first pan and a second pan” as recited in claims 1 and 7. Claims 13 and 14 depend from independent claims 1 and 7 respectively. Therefore it is respectfully submitted that claims 13 and 14 are patentable for at least the same reasons as discussed in response to the rejection of claims 1 and 7 as being anticipated by Beer. In light of the foregoing, withdrawal of the § 102(b) rejection of claims 13 and 14 as being anticipated by Beer is respectfully requested.

CONCLUSION

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1555.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "William W. Lewis III", with a stylized flourish at the end.

William W. Lewis III
Reg. No. 48,742

Date: JAN 16, 2004
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 861-1500
Fax: (202) 861-1783